

Application No.: 09/030394

Case No.: 51362US010

**REMARKS**

Original claims 21, 23, and 24 have been canceled. Thus, original patent claims 1-20 and 22 are now pending in this case. Added claims 25-27 are still pending. Thus, claims 1-20, 22, and 25-28 are now pending in this case.

Claims 1, 22, and 25 have been amended to make stylistic changes and to clarify the limitation pertaining to how the filter cartridge may be capable of engaging the receiving structure on the face piece. Support for these changes to the claims may be found at: column 3, lines 20-21; column 3, lines 30-32; column 3, lines 33-36; column 3, lines 42-46; column 4, lines 26-34; column 5, lines 4-41, particularly lines 4-20; column 5, lines 55-67; the Abstract; and FIGs. 2-5.

Claims 1-20 and 25-28 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner indicated that it "is ambiguous as to the specific structure which is intended to not undergo a rotation." The Examiner has also indicated that "the specific rotational movement is ambiguous as to the specific path of rotation relative to the recited structure has not been specified." Although applicants believe that the claim was clear in the first instance, it has nonetheless been amended to eliminate any issue with respect to the rejection under 35 U.S.C. § 112, second paragraph. As recited, the engagement between the filter cartridge and the cartridge receiving structure can be instantaneously obtainable by pressing the filter cartridge against the receiving structure without rotational movement of the filter cartridge relative to the receiving structure. Although the filter cartridge may be rotated during this engagement, the relative rotation of the cartridge or face piece is not necessary to allow the securement to take place.

Claims 1-6, 9, 10, 14, 16, and 18-28 have been rejected as being anticipated by or as being obvious over U.S. Patent 5,062,421 to Burns et al. (Burns). Applicants respectfully submit that this rejection cannot be sustained.

The subject matter of independent claims 1, 22, and 25 require a filter cartridge that is capable of being readily separated from the cartridge receiving structure by pulling manually thereon. Burns does not teach or suggest the use of such a filter cartridge in its respirator. In the respirator disclosed in Burns, the locking tabs 29 cause the filter cartridges 28 to be permanently snapped into place (column 4, lines 60-63; column 5, lines 23-28). The cartridge in Burns, thus

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is not replaceable, and the whole mask must be discarded when the filters have met their service life.

In contrast, the present invention not only allows the filter cartridge to be snapped into engagement but also allows the filter cartridge to be quickly removed from the respirator face piece. This may be accomplished simply by pulling on the cartridge in a direction opposite to which it was pressed onto the face piece. Thus, applicants' invention possesses the advantage of allowing the filter cartridge to be readily replaced when needed. The mask body therefore can be reused. Because Burns fails to disclose the structure of applicants' claimed invention, Burns does not anticipate it under the terms of 35 U.S.C. § 102(b). And since the structure is not suggested in any manner by Burns, and also since Burns fails to provide any appreciation of the advantages that stem from this new structure, Burns would not have made applicants' invention obvious to a person of ordinary skill within the meaning of 35 U.S.C. § 103. Accordingly, the rejection pertaining to claims 1, 22, and 25 cannot be properly sustained.

In view of the above, applicants believe that this application is in condition to be allowed. Please favorably reconsider these rejections and allow this application at an early date.

Please change the correspondence address for this patent application.

Respectfully submitted,

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